



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,907	12/26/2001	Yun-Ho Jung	8733.565.00	7489

30827 7590 10/05/2005

MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON, DC 20006

EXAMINER

PADGETT, MARIANNE L

ART UNIT	PAPER NUMBER
----------	--------------

1762

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/025,907

Applicant(s)

JUNG, YUN-HO

Examiner

Marianne L. Padgett

Art Unit

1762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 9/20/05 & 8/23/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 1-4 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 1762

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/20/05 has been entered.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 5-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over IM (6,368,945), as applied in section 11 of the paper mailed 11/14/03, with further discussion in sections 6, 6 & 2 of the 4/12/04, 10/21/04 & 5/23/05 mailings, respectively.

As has been previously extensively discusses & is illustrated in IM's fig. 1B, the microtranslations taught therein that may be an exemplary 3 μm in the X-direction, & that are equivalent the claimed stepping of several micrometers, that are now said to be in a 1st direction, have their crystal growth illustrated in figure 5(A-C), which clearly shows the growth occurring or extending in the X-direction, i.e. the same direction as the microtranslations, thus corresponding to the amended claim language. In the paragraph bridging p.8-9 in the remarks of 8/23/05 applicants says IM's crystal grains would not grow in the direction they are stepped, but this is apparently exactly opposite to what is illustrated, since the above cited figures show multiple crystals which limit each others growth extending and growing laterally in the X-direction equivalent to the 1st direction in the claims.

Applicant's discussion on p.8 of their remarks that appear to be arguing that IM must teach how to move a mask for one of ordinary skill in the art to be able to employ IM's teaching of moving the

Art Unit: 1762

mask, is NOT convincing, as any competent practioner would have been expected to be able to substitute relative movement of mask or stage to effect the same translation, given IM' teaching to either one or a mixture of the two can effect taught SLS. IM has already supplied the motivation; it is not necessary for them to provide an example of every taught option. The reference need not be a 102 to be applied,

4. While applicant again does not appear to have cited any support for the additions to their claims in the latest amendment, it appears to be supported by the illustrations of 5 A-F, which show microtranslations & direction of crystal growth that appear to be the same as illustrated in IM, hence the examiner doesn't understand how applicant can say they are different.

5. Applicant's arguments filed 8/23/05& discussed above have been fully considered but they are not persuasive.

6. Other art of interest includes: PN 6,867,151 B2, 2005/0181136 A! & 2005/0142450 to applicant, but whose claims have different or no masking requirements; and various patents or pregrant pubs to Kim (et al), You, Seo et al, Chung et al, Sposili et al, Matsumura et al & IM, as listed in the attached PTO-892, which are not prior art, but concern SLS of Si using lasers & masks.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marianne L. Padgett whose telephone number is (571) 272-1425. The examiner can normally be reached on M-F from about 8:30 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks, can be reached at (571) 272-1423. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair->

Application/Control Number: 10/025,907

Page 4

Art Unit: 1762

direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MLP 10/2/2005



MARIANNE PADGETT
PRIMARY EXAMINER